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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/760,604      | 01/17/2001  | Paul Kaine           | P07052US00/RFH      | 4907             |

881 7590 03/24/2004

STITES & HARBISON PLLC  
1199 NORTH FAIRFAX STREET  
SUITE 900  
ALEXANDRIA, VA 22314

EXAMINER

CRAVER, CHARLES R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2682

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/760,604

Applicant(s)

KAINE ET AL.

Examiner

Charles R Craver

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Selig et al.

**Claim 1:** Selig discloses a signal monitoring apparatus comprising signal analyzing circuitry (10) having an input for receiving a signal with a carrier (col 3 lines 25-40) and to detect a predetermined type of signal (col 4 lines 40-55), and a computer (16) coupled to the circuitry to receive an output therefrom (col 3 lines 42-55). **Claims 2 and 3:** the signal of Selig is input from a telephone line, and the signal is analyzed for non-audio components (col 4 lines 41-51) and may be used with digital signals (col 4 lines 7-20). **Claim 5:** Selig discloses that the output comprises the signal under test. **Claim 6:** Selig discloses removable cards via a port (FIG 1). **Claims 7 and 8:** Selig discloses a wireless link to the computer via RF (FIG 1). **Claims 9 and 12:** Selig discloses a wired link to the computer (col 5 lines 8-14), which would inherently plug in via a wired port. Further, Selig discloses a headset (44) which would include a loudspeaker and microphone to provide said telephone functions. **Claim 11:** Selig

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discloses a headset for said computer (44) to provide said telephone functions. **Claim**

**13:** Selig discloses that the computer performs tests on the carrier (col 4 lines 28-62).

**Claims 14 and 17:** Selig discloses a signal monitoring computer apparatus (16) with wireless receiver means to receive a data signal from remote signal analyzing circuitry (10) having an input for receiving and analyzing a signal with a carrier (col 3 lines 25-40) and to detect a predetermined type of signal (col 4 lines 40-55), and means to send said signal to the monitoring apparatus (col 3 lines 42-55). **Claims 15 and 16:** Selig discloses that the remote means performs a test on the carrier signal and the data sent to the monitoring apparatus includes test data, which would inherently include a portion of the received signal.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selig.

**Claim 4:** Selig discloses applicant's invention of claim 1 above, and states that the result of the measurement (go/no go) is sent to the computer. Selig fails to disclose that an output is only made when a foreign signal is found, however, such a step is

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functionally equivalent to the method of Selig and thus would have been obvious to one of ordinary skill in the art at the time of the invention.

**Claim 10:** while Selig fails to disclose a serial, USB or PCMCIA link, all three were notoriously well-known at the time of the invention, and as such the examiner takes Official Notice of such a feature, asserting that it would have been obvious to one of ordinary skill in the art at the time of the invention to use such well-known standards to connect to the computer given that the computer would likely already employ such connections.

***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington VA, sixth floor (receptionist).

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

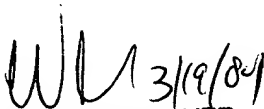
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

19 March 2004

  
**CHARLES CRAVER**  
**PATENT EXAMINER**